

Message Text

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17/11

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TO AMEMBASSY VIENNA

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C O R R E C T E D C O P Y (PARA 4, LINE 22 OMITTED)

E.O. 11652: GDS

TAGS: UNIDO, PORG, PFOR, AORG, OCON, EIND, EAID

SUBJECT: GROUP B CONSULTATIONS ON GROUP B AND G-77 UNIDO
CONSTITUTION TEXTS

REF: (A) VIENNA 584, (B) VIENNA 640, (C) STATE 21549

1. MORE COMPREHENSIVE INSTRUCTIONS ON INDIVIDUAL ARTICLES
OF DRAFT UNIDO CONSTITUTION AWAIT DEPT.'S RESPONSE IN
SEPTTEL TO MISSION RECOMMENDATION IN PARA 8 REFTTEL (A)
THAT USG ENGAGE IN EARLY HIGH-LEVEL CONSULTATIONS WITH
GROUP B GOVERNMENTS ON CONSTITUTIONAL PROVISIONS CRUCIAL
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TO QUESTION OF EVENTUAL U.S. MEMBERSHIP. MEANWHILE,

REFTEL (C) AND THIS CABLE SET FORTH DEPT POSITION ON DISCREPANCIES NOTED IN REFTEL (B) BETWEEN PRIOR DEPT. INSTRUCTIONS AND GROUP B STUDY PAPER WHICH WAS HAMMERED OUT DURING COW I.

2. PROHIBITION OF RESERVATIONS (ART. 24, A/10202 AND GROUP B; ART 25, G-77). THIS ARTICLE, IDENTICAL IN ALL THREE TEXTS, READS, "NO RESERVATIONS MAY BE MADE IN RESPECT OF THIS CONSTITUTION." DEPT. NO LONGER OBJECTS TO ARTICLE 24 TEXT BECAUSE THE US PREVIOUSLY NEEDED THE ABILITY TO RESERVE ONLY SINCE A/10202 ART. 18

UNACCEPTABLY COMMITTED MEMBERS TO THE CONVENTION ON PRIVILEGES AND IMMUNITIES OF SPECIALIZED AGENCIES TO WHICH THE US IS NOT A PARTY AND BECAUSE, AS MISSION POINTS OUT, GROUP B STUDY PAPER ART. 18 ON "PRIVILEGES, IMMUNITIES, AND LEGAL CAPACITY" DOES NOT MENTION CONVENTION ON PRIVILEGES AND IMMUNITIES OF SPECIALIZED AGENCIES. THE US WILL ENJOY NEGOTIATING ADVANTAGE BY DEALING WITH NARROWLY-DEFINED PROBLEM OF PRIVILEGES AND IMMUNITIES UNDER ARTICLE 18 RATHER THAN REOPENING BROADER ISSUE IN TEXT OF ART. 24 WHICH IS PRESENTLY IDENTICAL IN BOTH GROUP B AND G-77 TEXTS. LEGALLY SPEAKING, IT IS APPROPRIATE THAT ALL MEMBERS BE BOUND EQUALLY BY ALL PROVISIONS OF CONSTITUTIONAL DOCUMENT. POLITICALLY SPEAKING, THE US NEGOTIATING -- AND ACTUAL -- POSTURE OF PLAYING HARD TO GET IS ENHANCED BY THE ABSENCE OF A COP-OUT RESERVATIONS ARTICLE.

3. PRIVILEGES AND IMMUNITIES (ART. 18, A/10202 AND GROUP B; ART. 19, G-77). THE SECRETARIAT ARTICLE IS UNACCEPTABLE BECAUSE THE US IS NOT A PARTY TO THE CONVENTION AS EXPLAINED ABOVE. THE GROUP B TEXT IS BEST BECAUSE IT DOES NOT MENTION THE CONVENTION. THE G-77 TEXT IS ALSO ACCEPTABLE BECAUSE THE US WOULD BE SATISFIED WITH THE FUNCTIONAL IMMUNITY PROVIDED BY PARAGRAPHS 1 AND 2 WHILE PARAGRAPH 3 WOULD NOT APPLY TO THE US.

4. WEIGHTED VOTING (ARTS. 11, 12, AND 20, A/10202).
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DEPT HAS RECOGNIZED SINCE JUNE 1975 MISSION'S REPORTING ON GROUP B CONSULTATIONS THAT GREAT DIFFICULTY EXISTS IN SELLING SIMULTANEOUS MAJORITY IN ARTICLES 11 AND 12 COMPRISING AFFIRMATIVE VOTE OF MEMBERS CONTRIBUTING TWO-THIRDS OF TOTAL ASSESSMENTS. DEPT ALSO RECOGNIZES DECIDED IMPROVEMENT OF GROUP B ART. 20 AMENDMENT PROCESS OVER A/10202 ART. 20. BELIEVING THAT SOLIDARITY AMONG A "CORE" OF GROUP B DURING COW II NEGOTIATIONS WILL BE

INDISPENSIBLE TO NEGOTIATING A CONSTITUTION WHICH WILL NOT VIRTUALLY PRECLUDE U.S. MEMBERSHIP, USG WILL AT AN APPROPRIATE MOMENT WHEN CONSULTING WITH SUCH A GROUP B "CORE" YIELD THE REQUIREMENT OF "THE AFFIRMATIVE VOTE OF MEMBERS THAT CONTRIBUTE TO THE REGULAR BUDGET OF THE ORGANIZATION AT LEAST 2/3 OF THE RESOURCES TO BE ASSESSED" AND AGREE TO THE GROUP B "1/2 OF THE RESOURCES ASSESSED." THE DEPT WILL ALSO BE PREPARED TO YIELD THE 3/4 REQUIREMENT FOR AMENDMENTS USED AS AN ILLUSTRATION IN PARA 5, REFTEL C AND SUBSTITUTE THE COMMON GROUP B 2/3 FIGURE SUBJECT TO THE CONDITION THAT THE PROVISIONS FOR WITHDRAWAL UNDER ARTICLE 5 REMAIN AS SIMPLE AS THEY ARE IN THE PRESENT DRAFTS. THE DEPT. REASONS THAT IF THE POLITICAL ATMOSPHERE IS SO HOSTILE THAT AN AMENDMENT TO THE CONSTITUTION KNOWN TO BE OPPOSED BY THE U.S. AND OTHERS WITH PARALLEL INTERESTS COULD BE PASSED OVER THE OPPOSITION OF THE U.S. AND OTHERS BY A 2/3 VOTE INCLUDING AFFIRMATIVE VOTES OF A QUALIFIED MAJORITY, THEN THE MORE DRASTIC OPTION OF WITHDRAWAL WOULD BE SUBSTANTIVELY APPROPRIATE AND POLITICALLY FEASIBLE. MISSION IS INSTRUCTED TO WITHHOLD INTIMATION OF THESE CONCESSIONS UNTIL COMPLETE INSTRUCTIONS FOR "CORE" GROUP CONSULTATIONS ARE RECEIVED. PURPOSE THIS INSTRUCTION IS TO PRESERVE GREATER CREDIBILITY THAT THE US WILL STICK WITH THE GROUP B TEXT EXCEPT FOR VERY SPECIFIC BENEFITS TRADED FOR ANY FURTHER GIVE.

5. THE PROPOSAL TO USE THE SECURITY COUNCIL PRECEDENT AS SPELLED OUT IN PARA 8 OF STATE 3348, VIZ., TO DETERMINE ADDITIONAL CATEGORIES OF QUESTIONS TO BE DECIDED BY WEIGHTED VOTING USING THE WEIGHTED VOTING PROCEDURE, MAY BE KEPT AS A POSSIBLE INITIATIVE BY THE U.S. AND ANY OTHER LIKE-MINDED DELEGATIONS. SUCH A CONFIDENTIAL

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PROPOSAL MIGHT BE INTRODUCED IN THE COURSE OF NEGOTIATIONS IN A MOMENT OF FRUSTRATION WITH THE INTRANSIGENCE OF OTHER DELEGATES TO GIVE A U.S. SIGNAL THAT IN SPITE OF, OR BECAUSE OF, U.S. SERIOUSNESS IN NEGOTIATING A CONSTITUTION WHICH THE USG MIGHT CONSIDER, OUR LATITUDE TO COMPROMISE IS LIMITED BASED ON THE LIMITED U.S. NEED FOR UNIDO MEMBERSHIP.

6. (GROUP B ART. 11) IN THE OVER-RIDING INTEREST OF GROUP B "CORE" SOLIDARITY DEPT. COULD AT THE APPROPRIATE MOMENT ACCEPT "RESOURCES TO BE ASSESSED ON MEMBER STATES" RATHER THAN "ASSESSED CONTRIBUTIONS WHICH WILL HAVE BEEN PAID IN THE PRIOR FINANCIAL PERIOD." DEPT NOTES THAT OUR PREFERRED LANGUAGE IS MAINTAINED IN GROUP B ART. 12 AND ASSUMES MAINTENANCE OF GROUP B

ARTICLE 4, PARA 1 (ALSO IN A/10202, ART. 7, PARA 7)
WHICH PROVIDES A MORE DRASTIC VOTE-DENIAL SANCTION FOR
MORE DRASTIC FINANCIAL IRRESPONSIBILITY. ACCEPTANCE
ALSO ASSUMES ACCEPTABLE DEFINITION OF ACTIVITIES
FUNDED BY ASSESSMENTS.

7. DEPT HAS NOT YET COMPLETED STUDY OF CONSTITUTIONAL
HANDLING OF OVERHEAD COSTS.

8 DEPT. HAS DETERMINED THAT AN ARTICLE 10BIS OR GA RES.
2152 (XXI), PARA 20 IS AN IRREDUCIBLE MINIMUM
TO GIVE THE VULNERABLE SNOWBALL OF US MEMBERSHIP

ANY CHANCE AT ALL. AT THE SAME TIME, DELEGATION WILL
NOT BE ABLE TO MAKE ANY PROMISES THAT EVEN IF ALL
DEMANDS FOR CONSTITUTIONAL WORDING ARE MET THAT THE
U.S. WILL THEN JOIN. THERE ARE MORE WAYS TO MELT
A SNOWBALL THAN BY STATUTES ALONE.
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